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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DEON D. SMALLEY,

Petitioner,

vs.

GABRIELA NAJERA, *et al.*

Respondents.

Case No. 3:21-cv-00331-APG-CLB

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME  
(FOURTH REQUEST)**

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a twenty-one (21) day enlargement of time, to and including October 18, 2023, in which to file and serve their Reply in Support of Motion to Dismiss.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

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1        There have been three prior enlargements of Respondents' time to file said Reply in Support of  
2 Motion to Dismiss Smalley's Petition for Writ of Habeas Corpus, and this motion is made in good faith  
3 and not for the purposes of delay.

4        RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of September, 2023.

5                                AARON D. FORD  
6                                Attorney General

7                                By: /s/ John C. Dorame  
8                                JOHN C. DORAME (Bar. No. 10029)  
9                                Deputy Attorney General  
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## DECLARATION OF COUNSEL

STATE OF NEVADA            )  
   : ss.  
 CARSON CITY                )

I, JOHN C. DORAME, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General in the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. On May 31, 2023, Respondents filed their motion to dismiss Petitioner Deon D. Smalley's ("Smalley") amended petition for writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 31.

3. On July 14, 2023, Smalley filed his opposition to Respondents' motion. ECF No. 39. Pursuant to this Court's scheduling order, a reply to the opposition is currently due September 27, 2023. ECF No. 43. By this motion, I am requesting an enlargement of time of twenty-one (21) days to file a reply to Smalley's opposition. This is my fourth request for enlargement.

4. Since the prior extension request, I have been involved in defending various federal and state petitions, some of which have already been extended or no further extensions are permitted. Among the deadlines were: a response to an emergency motion for transfer in *Gould v. Warden, et. al.*, (USDC 2:22-cv-01755-GMN-EJY); a response to a reply in *Reed v. Warden et. al.*, (USDC 2:21-cv-00942-APG-EJY); a reply in *Burns v. Warden* (USDC 3:22-cv-00021-MMD-CLB); and a motion to dismiss in *Sandoval v. Warden* (11th JD 27CV-WR1-2023-0138). In addition, I am still caring for a family member who recently underwent a surgical procedure and needs 24-hour in-home care. As such, I request a twenty-one (21) day enlargement of time, up to and including October 18, 2023, to file a reply to Smalley's opposition.

5. This motion for enlargement of time is made in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

6. I contacted petitioner's counsel, Jay A. Nelson, Esq. who indicated he has no objection to this enlargement.

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1 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the  
2 foregoing is true and correct.

3 Dated this 27<sup>th</sup> day of September, 2023.

4  
5 /s/ John C. Dorame  
JOHN C. DORAME (Bar No. 10029)  
6 Deputy Attorney General

7  
8 **ORDER**

9 IT IS SO ORDERED.

10 Dated this 27th day of September, 2023.

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DISTRICT COURT JUDGE